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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 July 1994]

GE.94-13369 (E)

The Palestinians' right to adequate housing in East Jerusalem

1. Habitat International Coalition (HIC) and the Palestine Human Rights Information Center (PHRIC) are concerned about the housing crisis currently faced by Palestinians in East Jerusalem. While Israel may have a good record in providing adequate housing for Jewish Israelis, the same cannot be said of their record for Palestinians. We believe that when dealing with Palestinians, the policies and actions of the Jerusalem Municipal Government as well as the Israeli Government as a whole, contravene article 11.1 of the International Covenant on Economic, Social and Cultural Rights which Israel ratified. We submit this brief overview of the existing housing conditions for Palestinians in East Jerusalem as an initial step to draw international attention to this urgent issue.

The status of Jerusalem: background

2. Israel occupied East Jerusalem in 1967 and since has been exercising de factor sovereignty over both parts of the city, claiming de jure sovereignty over Jerusalem "whole and united". It is now accepted by law that East Jerusalem is occupied territory and that Israel's annexation of Jerusalem is illegal. United Nations Security Council resolutions dating from 1968 to 1990 unambiguously declare Jerusalem to be occupied territory. Any attempt by Israel to unilaterally alter life in the city, whether through land expropriation, population transfer or archaeological changes, affects its legal status and is therefore invalid.

3. Israel's policies and actions aimed at changing the ethnic composition, physical character, boundaries and legal status of Jerusalem are clearly in contravention of articles 47 and 49 of the Fourth Geneva Convention. Concurrently, these same policies and actions and their effect on the lives of Palestinians, as detailed below, must be seen as contravening the right to adequate housing as articulated in article 11.1 of the International Covenant on Economic, Social and Cultural Rights and numerous other international instruments that Israel has ratified.

Demographics of East Jerusalem

4. The 1967 census conducted by the Israeli authorities indicated that 66,000 Palestinians resided in East Jerusalem, 44,000 of whom resided in the area known before the June war as East Jerusalem and 22,000 in the West Bank area annexed after the war. At the time there were a few hundred Jews living in East Jerusalem. In June 1993, the Israeli Government was able to proudly announce that a Jewish majority had been achieved in East Jerusalem; at the same time, 155,000 Jews were officially-registered residents, as compared to 150,000 Palestinians. The Jewish population in East Jerusalem is housed in 17 settlements.

5. Since 1967, government policy has been to limit the number of Palestinians residing in Jerusalem to no more than 24 per cent of the city's population and to simultaneously increase the numbers of Jews in Jerusalem. It has, in general, succeeded in this goal through intricate bureaucratic restrictions for Palestinian East Jerusalem residents. Israeli housing

policies concerning the Palestinians play an important role in decreasing the Palestinian population in East Jerusalem while simultaneously increasing the Israeli population in this same area.

Policies and actions

1. House demolitions and land confiscation

6. Demolitions of Palestinian homes in East Jerusalem are carried out by municipal officials on the premise that the house was built or renovated without an Israeli issued permit. Permits are exceedingly difficult for Palestinians to obtain. Palestinians are often informed that their property on which they want to build has been classified as either a "green area" or State land. This means the land is to remain an agricultural or park zone and therefore will be confiscated from the Palestinians for Israeli use.

7. PHRIC has documented over 210 Palestinian homes demolished by the Israeli authorities in East Jerusalem since mid-1986 for licensing reasons. Demolitions of Palestinian homes in East Jerusalem are currently carried out at a rate of approximately 50 per year.

2. Settlements

8. The Jerusalem area Master Plan sets aside over half of the extended area of East Jerusalem for Jewish settlements and Israeli institutions.

9. Of the 73,000 dunums in East Jerusalem, 29,000 dunums have been expropriated, or will soon be expropriated for the building of Jewish settlements. In turn, only 10,000 dunums remain on which Palestinians can build and much of this land has already been built upon.

10. An enormous amount of settlement and road construction in the occupied territories, including East Jerusalem, is being pushed towards completion within three to five years, simultaneously with the transitional period outlined in the Israel-PLO Declaration of Principles. Israeli policy-makers have put forth pretexts of future "security" needs in rationalizing Jewish settlements in and around Jerusalem.

11. The establishment and development of settlements and new roads by Israeli authorities effectively separates Palestinian villages while unifying the Jewish settlements, leads to the confiscation of Palestinian land and results in the demolition of their homes.

12. For example, in early November 1993, an Israeli Government-appointed committee approved the establishment of a large settlement block called "Gush Adumim" extending north, south and east of Jerusalem to the outskirts of Jericho. The block mainly entails linking settlements stretching from the south-east to the north-east of Jerusalem and extending east. Five thousand dunums of land belonging to the Jerusalem area Arab villages will be confiscated to implement the proposed plan.

3. Disparate treatment of Jerusalemites

13. The Jerusalem Municipal Government employs several policies and regulations that are de facto discriminatory or have discriminatory effects against Palestinians in the area of housing. For example:

(a) Building height in Palestinian neighbourhoods may not exceed two stories whereas buildings in the Jewish neighbourhoods of East Jerusalem of as many as eight stories are permitted;

(b) The Israeli Government has provided subsidized housing for 70,000 Jewish families in East Jerusalem settlements alone, in contrast to subsidized housing for only 555 Palestinian families;

(c) Jerusalem's Palestinian population pays 26 per cent of the total cost of municipal services but receives just 5 per cent of these services.

Effects

14. A significant repercussion of these Israeli housing policies is Palestinian emigration from East Jerusalem. A sample study conducted in 1993 by Dr. Bernard Sabela, a political scientist at Bethlehem University, estimated that the following numbers of Palestinians have emigrated with their families since 1967:

(a) 16,917 Palestinians in East Jerusalem have emigrated abroad;

(b) 12,080 Palestinian Jerusalemites were forced to move outside the borders of illegally annexed areas because of the lack of housing in East Jerusalem;

(c) 12,500 currently live in the North Jerusalem area inside the boundaries of the pre-1967 Jerusalem but are now excluded by the Israeli authorities;

(d) 7,630 Palestinian Jerusalemites were outside the country in 1967 and, were never issued Jerusalem identity cards and therefore do not have the right to return. Others lost identity cards by living outside of East Jerusalem for six years or more and cannot return. For these people, any owned or inherited land in East Jerusalem comes under the custody of the Israeli "absentee" department, rendering it State land.

15. For those Palestinian Jerusalemites who remain in the municipality, the policies implemented by the Israeli municipal and central governments, as detailed above, have a profound and negative effect on housing conditions for Palestinians. This is reflected in the following statistics on housing density:

(a) While Israelis in Jerusalem enjoy a housing density of one person per room, non-Jews experience a density of 2.2 persons per room;

(b) In a survey conducted by PHRIC in June 1994, of 20 families interviewed whose homes had been demolished, it was discovered that the average density in houses that had been demolished was 1.56 persons per room. After demolition, forced to return to their old (smaller) houses, or live in tents or with relatives, this average increased to 2.94 persons per room.

16. The consequences of Israeli housing policies on Palestinians does not solely result in punishment by way of house demolition, forced evictions and emigration; the punishment includes far-reaching social pains as the following statistics indicate: 10 per cent of the sample currently live in tents; 25 per cent of the sample complained of psychological problems and nervousness since the demolition; 10 per cent of the sample said their children's schooling was stopped after the demolition or the children were forced to change schools. In one case, a family reported that their daughter had been exposed to rape after the demolition. The family was living in a tent and thus was not afforded the physical security of a house.

Conclusion

17. This overview of some of the housing conditions faced by Palestinians in East Jerusalem demonstrates that Palestinians are being denied the right to adequate housing as a result of Israeli policies and actions. It is our understanding that the right to adequate housing includes principles such as non-discrimination, the right to information, equality in land relations, and democratic participation. Policies such as house demolition, land confiscation, the creation and development of settlements and clearly discriminatory treatment of Palestinians in matters relating to housing all constitute gross violations of these principles.

18. According to the Israel-PLO Declaration of Principle, the issue of Jerusalem is not to be discussed for two years. Given the rapid expansion of the Jewish settlements in East Jerusalem and the resulting increase in the confiscation of Palestinian land and the demolition of Palestinian homes, we fear that if the housing situation of Palestinians is not addressed immediately, in two years' time, there will be nothing left to negotiate.

19. Habitat International Coalition and PHRIC draw the attention of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to the continuously worsening situation of the Palestinians of East Jerusalem. We urge the Special Rapporteur on the right to adequate housing, Justice Rajindar Sachar, to mention the numerous violations, including forced evictions, of the Palestinian right to housing in his reports and to undertake steps to bring notice in all ways possible to the dire situation faced by 150,000 Palestinians in East Jerusalem as they struggle for a place to live.